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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 840/2023, I.A. 6629/2024**

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED

..... Plaintiff

Through: Mr. Mukul Rohatgi, Senior Advocate,
Mr. Amit Sibal, Sr. Advocate, Mr.
Harsh Kaushik, Mr. Nikhil Rohatgi,
Mr. Sanjeevi Sheshadri, Mr. Darpan
Sachdeva, Ms. Srishti Mishra,
Advocates.

versus

**RELIANCE ENTERTAINMENT STUDIOS PRIVATE LIMITED &
ORS.**

..... Defendants

Through: Mr. Saurabh Kirpal, Senior Advocate
with Ms. Malvika Kapila Kalra,
Ms. Tanwangi Shukla and Ms. Adya
Rajkotia, Advocates for D-1.
Ms. Srishti Kumar, Advocate for D-3.
Mr. Thomas George, Mr. Navankur
Pathak, Ms. Sneha Jain, Advocates
for D-4.
Ms. Sneha Jain, Mr. Angad S.
Makkar, Advocates for D-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.03.2024

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I.A. 6607/2024 (under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 read with Section 151 of the Code Of Civil Procedure, 1908 seeking injunction restraining the Defendant from releasing future films along with supporting affidavit)



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1. This is the second application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 [“CPC”] seeking to restrain the Defendant – Reliance Entertainment Studios Private Limited [“*Reliance*”] from releasing any future cinematograph films.
2. Mr. Mukul Rohatgi, Senior Counsel representing the Plaintiff – Super Cassettes Industries Private Limited [“*SCIPL*”], refers to paragraph No. 40 of the order dated 23rd November, 2023, which records Reliance’s undertaking to not release any cinematograph films or transfer any rights in the said films without the leave of the Court, for two weeks from the date of the said order, which was later extended on 19th December, 2023. As SCIPL apprehends that Reliance is on the verge of releasing three films – Amar Singh Chamkila, Section 84, and Singham Again (also marketed as Singham 3), they seek urgent injunctive reliefs against any such publication.
3. Mr. Rohatgi points out that the Loan Agreement dated 19th May, 2021, as revised by communication dated 17th March, 2023, stipulates that in the event of any default in repayment of the loan amount, SCIPL shall have a lien over all future films produced by Reliance, whether individually or with any third-party. He submits that the afore-noted films proposed to be released shortly, are covered by the arrangement between the parties as they have been co-produced by Reliance. To demonstrate this, Mr. Rohatgi refers to the following documents:
 - (a) Netflix India Slate 2024 wherein, Reliance has been identified as the co-producer of the film Amar Singh Chamkila, set to release on 12th April, 2024.
 - (b) Pleadings in Civil Suit No. 2915/2023 instituted by a third-party



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claiming certain rights in the film Amar Singh Chamkila before the Civil Judge, Senior Division, Ludhiana. In the said suit, Reliance [Defendant No. 2 therein] has, in their reply to an application under Order XXXIX Rules 1 and 2 of CPC, asserted that they have produced the film. The said pleadings are also supported by a Board Resolution in favour of Reliance's Authorized Representative.

(c) Screenshots of articles posted on third-party news websites and Reliance's own website displaying Reliance as a co-producer of Section 84 film.

4. Mr. Rohatgi submits that in view of the overwhelming evidence referred above, including Defendant's own admission before the Court in Ludhiana, acknowledging that they are the producers/ co-producers of the films forming the subject matter of this application, Reliance must be restrained from releasing/ exhibiting/ broadcasting the said movies, without the Court's leave.

5. Mr. Saurabh Kirpal, Senior Counsel representing Reliance, contests the instant application and seeks a short accommodation to file a reply thereto. As a preliminary submission, he states that Reliance is not the producer/ co-producer of the films Amar Singh Chamkila, Section 84 or Singham Again and thus, the Plaintiff has no locus to seek an injunction against their release. Mr. Kirpal also points to the memo of parties appended to the plaint of the civil suit before the Civil Judge, Ludhiana to argue that Reliance had been impleaded through an LLP called Window Seat Films, where Reliance is an interest-holder. He submits that the films in question have been produced by Windows Seat Films, and not Reliance, as averred in the pleadings in the Ludhiana suit.



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6. Counsel for Reliance and Netflix are permitted to file a reply to the instant application, within a period of four days from today. Rejoinder thereto, if any, be filed within three days thereafter.

7. Re-notify on 27th March, 2024.

SANJEEV NARULA, J

MARCH 20, 2024

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